

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

CHRISTY VARELA,

Plaintiff,

vs.

CIV NO. 2:24-cv-00199-KRS

MARTIN O'MALLEY,  
Commissioner of Social Security,

Defendant.

**ORDER GRANTING JOINT MOTION FOR ATTORNEY FEES  
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT**

The Court, having reviewed the Joint Motion for Attorney Fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412 (Doc. 17), **HEREBY ORDERS** that:

1. Attorney fees are awarded under the EAJA, payable to Plaintiff but mailed to Plaintiff’s attorney in the amount of \$840.00 in attorney fees. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney);
2. If Plaintiff’s counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff’s counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986); and
3. Plaintiff’s previously filed motion for the EAJA fees (Doc. 16) is **DENIED** as moot.

**IT IS SO ORDERED.**



HONORABLE KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE